



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401

IN REPLY REFER TO:
DESCRM
MC-208

AUG 30 2012

MEMORANDUM

TO: Superintendent, Fort Berthold Agency

FROM: ^{Acting} Regional Director, Great Plains Region

SUBJECT: Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use for the RTA Compressor Station Access Road/Utility Corridor on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

Attachment

cc: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Derek Enderud, BLM, Bureau of Land Management (with attachment)
Grady Wolfe, KLJ (with attachment)
Carson Hood/Fred Fox, MHA Energy Dept. (with attachment)
Jonathon Shelman, Corps of Engineers (e-mail)
Jeff Hunt, Fort Berthold Agency (e-mail)

Finding of No Significant Impact

Saddle Butte Pipeline, LLC (SBP)

***Addendum to:
Saddle Butte Pipeline, LLC February 2011 Environmental Assessment
Red Tipped Arrow South Lateral Pipeline***

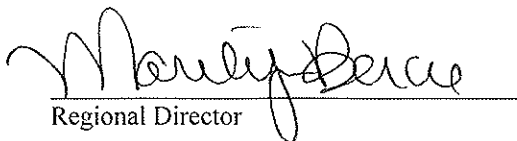
***Fort Berthold Indian Reservation
McKenzie County, North Dakota***

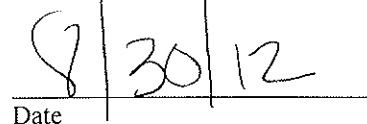
The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessment (EA). Saddle Butte Pipeline, LLC (SBP) proposes to construct an access road to their previously approved Red Tipped Arrow Compressor Station McKenzie County, North Dakota, on the Fort Berthold Indian Reservation. The corridor is needed to gain access to the compressor station for maintenance, and in addition, to providing right of way (ROW) for installation of utilities to support the facility. The proposed project would increase the existing 50-foot ROW cleared in a previous document to a 100-foot permanent ROW to be used for roadway construction and installation of utilities, along with installation of the previously approved pipelines in the RTA South EA. In addition, the proposed project would allow for the installation of a 4th pipeline to transport additional volumes of gas. The proposed project would impact approximately 3.72 acres. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions and the No Action alternative.
3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
5. Environmental justice was fully considered.
6. Cumulative effects to the environment are either mitigated or minimal.
7. No regulatory requirements have been waived or require compensatory mitigation measures.
8. The proposed projects will improve the socio-economic condition of the affected Indian community.


Regional Director


Date

ENVIRONMENTAL ASSESSMENT

Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office
Aberdeen, South Dakota



Saddle Butte Pipeline, LLC

RTA Compressor Station Access Road/Utility Corridor

Addendum to:

Saddle Butte Pipeline, LLC February 2011 Environmental Assessment
Red Tipped Arrow South Lateral Pipeline

Fort Berthold Indian Reservation

August 2012

For information contact:

*Bureau of Indian Affairs, Great Plains Regional Office
Division of Environment, Safety and Cultural Resources
115 4th Avenue SE
Aberdeen, South Dakota 57401
605-226-7656*

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1 PURPOSE AND NEED FOR THE PROPOSED ACTION

Saddle Butte Pipeline, LLC (SBP) proposes to construct an access road and install utilities to their previously approved Red Tipped Arrow Compressor Station in McKenzie County, North Dakota, on the Fort Berthold Indian Reservation. The corridor is needed to gain access to the compressor station for maintenance, and in addition, to provide right of way (ROW) for installation of utilities to support the facility and install a 4th pipeline to transport additional volumes of gas than previously approved in the EA. The proposed project would increase the existing 50-foot ROW cleared in a previous document to a 100-foot permanent ROW to be used for roadway construction and installation of utilities, along with installation of the previously approved pipelines in the RTA South EA.

The proposed pipeline, access road and utility corridor would be located on tribal lands and would be located on existing land that has separately achieved a FONSI approval under the National Environmental Policy Act (NEPA) of 1969, as amended. The proposed utility and access road corridor would be located in Section 33, T150N, R94W.

The purpose of the proposed action is to allow SBP to construct an access road to provide access to the compressor station along with installation of a 4th pipeline to transport gas along with supporting utilities for the compressor station.

Please refer to **Error! Reference source not found..**

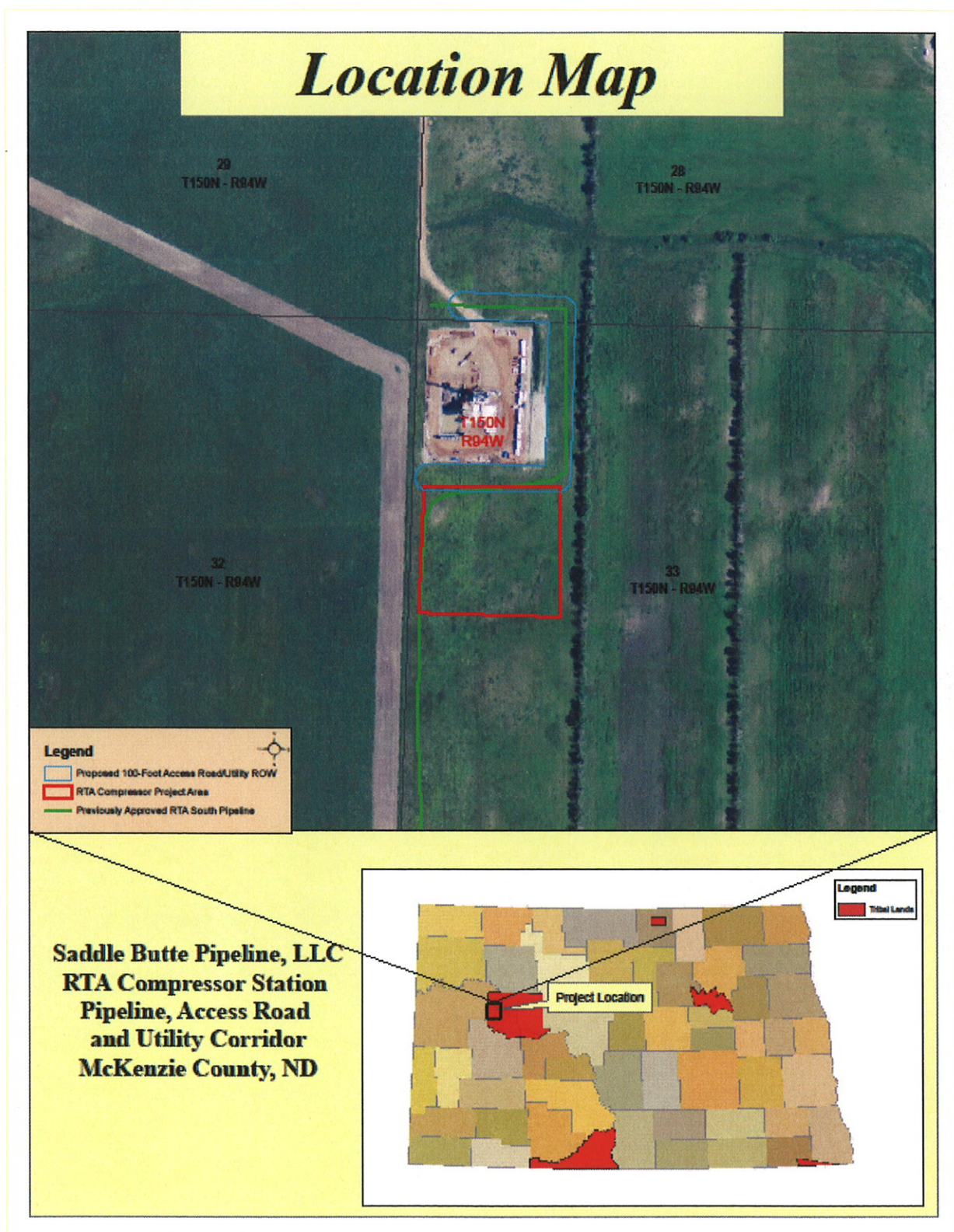


Figure 1, Project Location Map

2 AUTHORITIES

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

3 LEGAL LAND DESCRIPTION OF PROPOSED ACTION

The proposed project would be located in McKenzie County, North Dakota, in Sections 28 and 33, T150N, R94W. Please refer to **Appendix A, Plats** for legal easement drawings of the proposed corridor.

4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed action includes authorization by the BIA to construct an access road, 4th pipeline and install utilities on land previously cleared for installation of oil, gas and water pipelines. The proposed access road and utility corridor would require increasing the previously approved 50-foot permanent ROW for installation of pipelines to a 100-foot corridor. The proposed corridor would be approximately 1620 feet in length and comprise approximately 3.72 acres in size. The allotted land would be used for installation of pipelines, construction of a roadway, and installation of buried utilities. .

Twenty eight miles of natural gas and oil pipelines were approved in a FONSI for the SBP Trunk Lines project on September 9, 2010. Since that time, several EA and EA addendums have been approved to construct additional lines to newly developed oil and gas wells in the surrounding area, connecting to the SBP Trunk Lines. With the increased volume of gas produced in the vicinity of the proposed project, addition of the compressor station was needed and approved in a previous EA. Construction of the proposed compressor station would require construction of an access road and utility corridor to provide service to the site.

Every effort would be made to minimize surface disturbance during the construction process. Interim reclamation of the site would be completed within six months of final construction. For locations reclaimed in winter months or late fall such that no germination is possible, SBP would either use a sprayed reinforcement, lain matting reinforcement, spread and crimp straw and/or would minimize erosion issues with straw wattle and silt fence through winter months. Any temporary reclamation measures would remain until SBP can stabilize the site with vegetation consistent with surrounding vegetation. All temporary reclamation measures would be inspected on a monthly basis, or more frequently as necessary, throughout the winter. In addition, SBP would also install straw wattles or similar BMP's on slopes as needed to provide erosion breaks.

5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

The following NEPA documents have been previously approved by BIA for the proposed action:

- Saddle Butte Pipeline, LLC. March 2011 Environmental Assessment Red Tipped Arrow South Lateral Pipeline
- Saddle Butte Pipeline, LLC. February 2012 Environmental Assessment Addendum RTA Compressor Station

6 FIELD RESOURCE SURVEYS

An intensive, pedestrian resource survey of the proposed pipeline, access road and utility corridor was conducted on November 16, 2010 by Kadrmas, Lee & Jackson (KL&J). The purpose of this survey was to gather site-specific data and photos with regards to botanical, biological, threatened and endangered species, eagle, and water resources. A 200-foot corridor was surveyed for installation of Saddle Buttes RTA South Pipeline. In addition, a 0.50 mile wide buffer around all areas of project disturbance was used to evaluate the presence of eagles and eagle nests. Resources were evaluated using visual inspection and pedestrian transects across the site. The proposed project is centered along the original alignment and there for additional surveys were not required.

The BIA EA on-site assessment of the proposed utility and access road corridor was also conducted on November 16, 2010. The BIA Environmental Protection Specialist, SBP and KL&J participated in this assessment. During this assessment, construction suitability with respect to topography, stockpiling, drainage, erosion control, and other surface issues were considered. Sections of the proposed route were adjusted in the field to avoid potential cultural resources. Those present at the on-site assessment agreed that the location, along with the minimization measures SBP plans to implement, are positioned in areas which would minimize impacts to sensitive wildlife and botanical resources. Follow up correspondence with the BIA Environmental Protection Specialist indicated the previous surveys were sufficient for the proposed project.

A Class I Literature Review for the proposed site was conducted by Beaver Creek Archeology on November 15, 2010. A Class III Cultural Resources Survey was conducted by Beaver Creek Archeology on November 16, 2010 for the RTA South Lateral Pipeline which is the same corridor proposed for this project. A tribal monitor from the Three Affiliated Tribes Tribal Historic Preservation Office (THPO) simultaneously conducted Traditional Cultural Property Surveys. The Area of Potential Effect (APE), or area surveyed, consisted of an approximate 103 acre site.

7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the project expansion. Impacts are only discussed if the expansion of the project has changed the impact assessment reflected in the March 8, 2011 EA/FONSI, or to note why the impact assessment has not changed.

A. Air Quality

The pipeline, access road and utility corridor would not create any new emissions. The proposed project would allow for access and installation of utilities to the compressor station to support operation in addition to installing a 4th pipeline for transport of additional volumes of gas. The proposed project would support the collection and movement of additional volumes of gas currently being flared which would have a positive impact on air quality.

B. Cultural Resources

Class I literature reviews and Class III cultural resource surveys were conducted for the proposed project. One new cultural resource was encountered during the Class III inventory; however, the cultural resource falls outside the 200-foot corridor that was surveyed and would not be impacted by the proposed project. As such, cultural resources impacts are not anticipated. A "No Historic Properties Affected" determination was made by the BIA. The THPO concurred with these finding on February 7, 2011.

If cultural resources are discovered during construction or operation, work shall immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work shall not resume until written authorization to proceed has been received from the BIA. All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.

C. Land Use

The proposed project area is located within a predominantly rural area; land use consists of previously cropped land that is being actively grazed by livestock. . Please refer to **Figure 2, Proposed Site Vegetation**. The proposed project would increase the previously approved 50-foot ROW corridor for installation of pipeline to a 100-foot corridor used for installation of the previously approved pipelines, construction of an access road and installation of utilities. The proposed project would change approximately 3.72 acres of land currently used for agriculture production into supporting facilities for a compressor station. If electrical lines are installed to the proposed compressor station, all lines would be installed below ground. No mitigation is proposed.



Figure 2, Proposed Site Vegetation

D. Public Health and Safety

Third-party intrusions are one of the biggest contributing factors to spills. To aid in the prevention of such intrusions, SBP would fully comply with the marking requirements specified in the US Department of Transportation's rules and regulations, specifically contained in 49 CFR Parts 192 and 195. To ensure such compliance, SBP developed construction specifications to delineate the requirements for pipeline marking in accordance with applicable laws, rules, and regulations, including the locations of such markings (e.g., road crossings, waterbody crossings, line of sight, etc.) and the manner of marking such pipelines (e.g., height of markings and signage on the markings).

SBP has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of the construction activities. The response plan would include procedures that specifically address making the appropriate contacts, isolating the incident, protecting waterways and providing contact information for all the appropriate contractors and experts necessary to facilitate a rapid response.

E. Surface Water

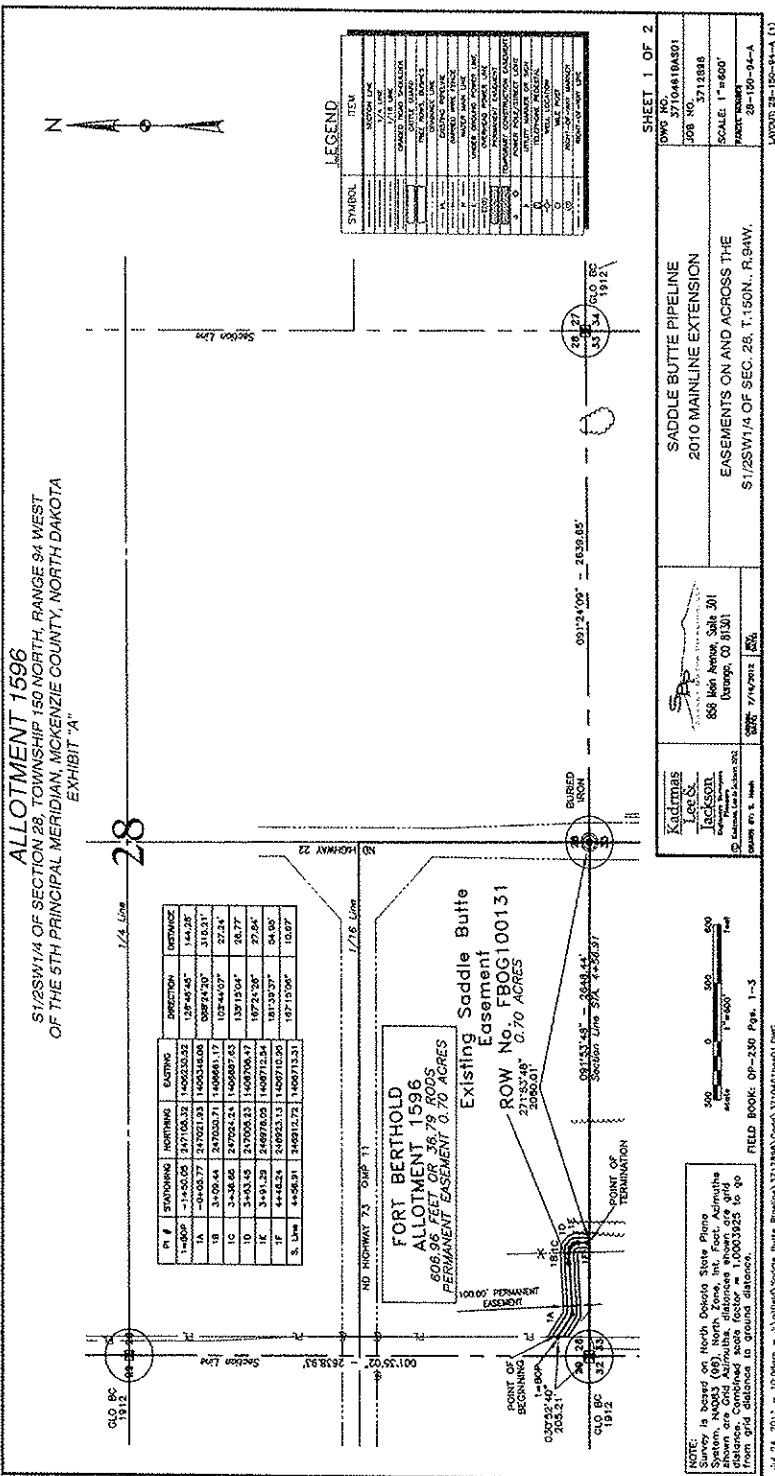
No significant impacts to surface water are expected to result from the proposed project. The proposed project has been sited to avoid direct impacts to surface water and to minimize the disruption of drainage patterns across the landscape. Implementation of BMPs including straw wattles and grass seeding to control erosion would mitigate runoff of sediment downhill or downstream.

8 NEPA ADEQUACY CRITERIA

This document has identified two previously prepared NEPA document, *Saddle Butte Pipeline, LLC March 2011 Environmental Assessment Red Tipped Arrow South Lateral Pipeline*, and *Saddle Butte Pipeline, LLC. February 2012, Environmental Assessment Addendum, RTA Compressor Station* which adequately describes the environmental consequences of the newly proposed actions described herein, and meets the following NEPA Adequacy Criteria:

1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA documents.
2. The range of alternatives is reasonable with respect to the current proposed actions in the existing NEPA documents, which appropriately considers and analyzes current environmental concerns, interests, and resource values.
3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies and/or resource assessment information.
4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed actions.
5. The direct and indirect impacts of the proposed actions are unchanged from those identified in the existing NEPA documents.
6. The cumulative impacts that would result from implementation of the proposed actions are unchanged from those analyzed in the existing NEPA documents.
7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.

Appendix A



ALLOTMENT 1596
S1/2SW1/4 OF SECTION 28, TOWNSHIP 150 NORTH, RANGE 94 WEST
OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA
EXHIBIT "A"

SADDLE BUTTE PIPELINE
2010 MAINLINE EXTENSION

DESCRIPTION: PERMANENT EASEMENT SURVEY

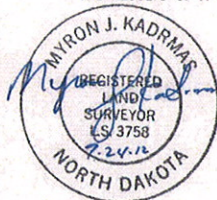
A one hundred (100) foot wide continual easement for utilities and pipelines of an oil and gas collection system over, under and across the South Half of the Southwest Quarter (S1/2SW1/4) of Section 28, Township 150 North, Range 94 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, lying fifty (50) feet on each side of the following described line:

Commencing at the southwest corner of said South Half of the Southwest Quarter of Section 28; thence on an azimuth of 030°52'40" a distance of 205.21 feet to the POINT OF BEGINNING (PI #1=BOP); thence on an azimuth of 126°46'45" a distance of 144.28 feet to a point (PI #1A); thence on an azimuth of 088°24'20" a distance of 315.21 feet to a point (PI #1B); thence on an azimuth of 103°44'07" a distance of 27.24 feet to a point (PI #1C); thence on an azimuth of 135°15'04" a distance of 26.77 feet to a point (PI #1D); thence on an azimuth of 167°24'26" a distance of 27.84 feet to a point (PI #1E); thence on an azimuth of 181°39'37" a distance of 54.95 feet to a point (PI #1F); thence on an azimuth of 167°15'06" a distance of 10.67 feet to the POINT OF TERMINATION on the south line of said South Half of the Southwest Quarter of Section 28. Said point is located on an azimuth of 271°53'48" a distance of 2060.01 feet from the southeast corner of said South Half of the Southwest Quarter of Section 28. Except the 0.70 acre easement, recorded as ROW No. FBOG100131 by the Bureau of Indian Affairs Fort Berthold Agency.

Covering in all 606.96 feet or 36.79 rods.
 Said permanent easement contains 0.35 acres, more or less.

NOTES:

1. Survey is based on North Dakota State Plane System, NAD83 (96), North Zone, Int. Foot. Azimuths shown are grid azimuths, distances shown are grid distance. Combined scale factor = 1.0003925 to go from grid distance to ground distance.
2. Descriptions and sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.



I, Myron J. Kadmas, Registered Land Surveyor, N.D. RLS No. 3758, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Mathias A. Krebs on April 14, 2011.

7-24-12
 Date

Myron J. Kadmas
 Myron J. Kadmas, Registered Land Surveyor
 N.D. RLS No. 3758

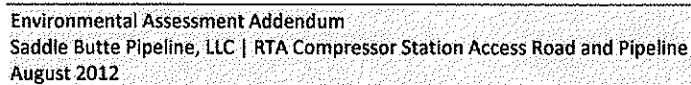
FIELD BOOK: OP-230, Pgs. 1-3

SHEET 2 OF 2

Kadmas Lee & Jackson Registered Surveyors Durango, CO 81301	 858 Main Avenue, Suite 301 Durango, CO 81301	SADDLE BUTTE PIPELINE 2010 MAINLINE EXTENSION EASEMENTS ON AND ACROSS THE S1/2 SW1/4 OF SEC. 28, T.150N., R.94W.	DWG NO. 3710461BAS01 JOB NO. 3712898 SCALE: NONE PAPER NUMBER 28-150-94-A
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LAYOUT: 28-150-94-A (2)



ALLOTMENT 680A
 NW1/4 OF SECTION 33, TOWNSHIP 150 NORTH, RANGE 94 WEST
 OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA
 EXHIBIT "A"

SADDLE BUTTE PIPELINE COMPANY
 RTA South Lateral

DESCRIPTION: PERMANENT EASEMENT SURVEY

A one hundred (100) foot wide continual easement for utilities and pipelines of an oil and gas collection system over, under and across the Northwest Quarter (NW1/4) of Section 33, Township 150 North, Range 94 West of the 5th Principal Meridian, McKenzie County, State of North Dakota, lying fifty (50) feet on each side of the following described line:

Commencing at the northeast corner of said Northwest Quarter of Section 33; thence along the north line of said Northwest Quarter of Section 33 on an azimuth of 271°53'48" a distance of 2079.43 feet to the POINT OF BEGINNING (PI #1=BOP); thence on an azimuth of 173°06'16" a distance of 595.81 feet to a point (PI #2); thence on an azimuth of 269°51'10" a distance of 283.84 feet to a point (PI #3); thence on an azimuth of 248°43'02" a distance of 132.66 feet to the POINT OF TERMINATION (PI #4=EOP). Said point is located on an azimuth of 165°34'59" a distance of 685.02 feet from the northwest corner of said Northwest Quarter of Section 33. Except the 1.16 acre easement, recorded as ROW No. FBOG100236 by the Bureau of Indian Affairs Fort Berthold Agency. Except the 3.96 acre tract of land, recorded as ROW No. FBOG100490 by the Bureau of Indian Affairs Fort Berthold Agency.

Covering in all 1012.31 feet or 81.35 rods.
 Said permanent easement contains 0.95 acres, more or less.

NOTES:

1. Survey is based on North Dakota State Plane System, NAD83 (96), North Zone, Int. Foot. Azimuths shown are Grid Azimuths, distances shown are grid distance. Combined scale factor = 1.000147240 to go from grid distance to ground distance.
2. Descriptions and sketches of easements depicted herein are based on information obtained while conducting the survey for easement acquisition and on deeds supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.



I, Myron J. Kadmas, Registered Land Surveyor, N.D. RLS No. 3758, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and belief. The field survey was performed by Kirk J. Jorgenson on July 17, 2012.

7-24-12
 Date

Myron J. Kadmas
 Myron J. Kadmas, Registered Land Surveyor
 N.D. RLS No. 3758

 SADDLE BUTTE PIPELINE, LLC 858 Main Ave, Suite 301 Durango, CO 81301		RTA SOUTH LATERAL MCKENZIE COUNTY, NORTH DAKOTA		SHEET 2 OF 2
Kadmas Lee & Jackson Registered Surveyors P.A.	7/18/2012 DATE	EASEMENTS ON AND ACROSS THE NW1/4 SEC. 33, T.150N., R.94W.	DWG. NO. RTA South Lateral JOB NO. 3712888	
DRAWN BY: S. Hosh	CHECKED BY: [Signature]	SCALE: NONE PARCEL: T150N-94W A		

Jul 24, 2012 - 10:09am - J:\offices\Saddle Butte Pipeline\3712888\Cadd\RTA South Lateral.dwg

LAYOUT: 33-150-94 A (2)

Notice of Availability and Appeal Rights

Saddle Butte Pipeline, RTA Compressor Station Access Road/Utility Corridor

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals for an Addendum for the RTA Compressor Station Access Road/Utility Corridor on the Berthold Reservation as shown on the attached map. Construction by Saddle Butte Pipeline is expected to begin in 2012.

An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until September 28, 2012, by contacting:

**United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Indian Appeals
801 N. Quincy Street, Suite 300, Arlington, Va 22203.**

Procedural details are available from the BIA Fort Berthold Agency at 701-627-6570.

Project locations.

